

REMARKS/ARGUMENTS

35 USC 102: Oeck

The Office rejected claims 18 and 22 under 35 USC 102(b) as being anticipated by Oeck (US 4412889). The Applicant respectfully disagrees.

It is well established that anticipation under 35 U.S.C. § 102 requires the presence in a single prior art reference, disclosure of each and every element of a claimed invention. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Moreover, anticipation is not shown even if the differences between the claims and the reference are “insubstantial” and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

Amended independent claim 18 recites *inter alia* the following limitation “a thermal oxidizer that burns gases derived from the inner chamber, and produces exhaust gases that are vented to the outer chamber of the thermal reactor....”

In this case, Oeck fails to teach the venting limitation. In fact, in Oeck’s pyrolysis chamber waste gases are produced and then are vented to the thermal oxidizer for combustion. However, because Oeck’s thermal oxidizer surrounds the pyrolyzer, no venting occurs of the exhaust gases from the thermal oxidizer to the pyrolysis chamber.

The Examiner failed to consider the Venting limitation in the current 102 rejection, as well as in the previous rejection issued on March 25, 2008. With all due respect, if the Examiner had considered the venting limitation, the present 102 rejection would not have been issued.

Thus, Oeck cannot be deemed to anticipate independent claim 18, and as such claim 22 is allowable by virtue of its dependency on allowable claim 18.

35 USC 103: Oeck in view of Kawakami, Bayer, Noland, Yung, Loken or Martin

The Office rejected dependent claims 19-20, 23-29 under 35 USC 103(a) as being unpatentable over Oeck in view at least one of Kawakami, Bayer, Noland, Yung, Loken, and Martin. The Applicant respectfully disagrees. No combination of Oeck and any one of

Kawakami, Bayer, Noland, Yung, Loken, and Martin teach, suggest, or motivate the Venting Limitation, and as such fail to render the claimed invention obvious.

Request For Allowance

Claims 18-29 are pending in this application. The applicant requests allowance of all pending claims. In the event, the examiner does not find the claims allowable, the Applicant requests the issuance of a non-final rejection, since the Examiner failed to consider the Venting limitation in the current and previous rejections.

Respectfully submitted,

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